

## ***“Open Agenda” Notes for the February 20, 2018 meeting of ANC1D***

### **Agenda approval**

### **Public discussion**

“Each Commission shall set aside a portion of each public meeting to *hear the views of residents* within the Commission area and other affected persons on problems or issues of concern within the Commission area and on proposed District government actions that affect the Commission area.”

### **Committee reports:**

**Transportation (Jon)**

**Public Space (Stuart)**

**Housing (Paul)**

### **Secretary’s report**

Minutes of the January 23 meeting (draft sent out January 24).

### **Treasurer’s report**

Consent items: Checks to James True, \$75, postering for the February meeting; HearSay Interpreting, \$100, interpreting at the February meeting; Julio Lopez, \$30, for assistance at the February meeting.

Reimbursement to Jack for laptop purchase, \$249.99.

## ***Unfinished business***

### ***New business***

#### **Postpone Comprehensive Plan Amendment Hearing due to Lack of Notice (Stuart)**

Resolved, that ANC 1D advises the District of Columbia Council to postpone the public hearing on the Comprehensive Plan Amendment Act of 2018 (B22-0663) for 30 days, from March 20 to April 20, 2018.

Why: On January 8, 2018, the District of Columbia Office of Planning (OP) sent to the District of Columbia Council a list of recommended amendments for the District’s Comprehensive Plan. The Office of Planning did not provide 30 days’ notice to Advisory Neighborhood Commissions (ANCs) as to the finalizing of these amendments. Releasing a final list of amendments to the Council without providing notice to ANCs was in violation of section 1-309.10 of the District of Columbia

Code, which states:

The executive branch and any independent agency, board, or commission shall give 30-days written notice before ... any final policy decision or guideline with respect to ... comprehensive plans...

Since OP has already sent the list of Comprehensive Plan amendments to the Council, and the Council has already agreed to consider the amendments as the Comprehensive Plan Amendment Act, we request that the council postpone the scheduled public hearing on the bill for 30 days (or from March 20 to April 20, 2018). This postponement will serve as the *de facto* replacement of the legally required 30 days' notice that OP never provided to ANCs.

There are over 200 proposed amendments to the Comprehensive Plan. As Advisory Neighborhood Commissioners, we need the full 30 days of notice to adequately evaluate the effect of each of these amendments on our commission area. Furthermore, 30 days' notice is necessary to assure a monthly public meeting of the Commission, where these proposed amendments may be considered. Without this extra time, we may not be able to gather the information we need to agree or disagree with proposed amendments, and thus, we may not be able to act in the best interest of our fellow community members.

### **Deny Special Exception and Variances for 1665 Harvard St NW (Stuart)**

Resolved, that ANC1D advises the Board of Zoning Adjustment to deny the Special Exceptions and variances requested for 1665 Harvard St NW, Case 19629.

**Why:** This Commission appreciates the substantial reduction in size made by the applicant, responding to concerns expressed last fall. The height of the structure has been reduced from over 20 feet to 15 feet, and what was a garage and an alley apartment is now only a garage with overhead storage.

This Commission has no objection to an alley garage, *per se*. Under ordinary circumstances, this Commission would not object to the BZA allowing variances to permit a garage. This is, however, no ordinary circumstance. This situation is unique because the location of this tiny lot is directly behind the dwelling at 1701 Harvard Street, which is home to a different owner than the owner of the alley lot in question.

The current application is similar to that filed in 2008 for this location, a garage which was to be 16 feet tall. In October 2008, this ANC advised, by unanimous vote, against permitting variances for that proposal, arguing as follows:

“Any building constructed on this tiny lot would face the rear of the home on lot 826, 1701 Harvard Street. With a roof height of 16 feet above the back-yard ground level, only 17 feet from the existing row house at 1701 Harvard, this construction will clearly have an adverse effect on the light and air of that dwelling.

“Though some neighbors favor this construction, the residents of 1701 Harvard are very unhappy at the prospect of a garage being built on that location. They have a valid complaint, and ANC1D advises that this application for a zoning variance be denied.”

The current application only slightly modifies these dimensions. The proposed structure is 15 feet tall and would be 19 feet from the back of the 1701 dwelling. These reductions are not sufficient to overcome the clear fact that this construction would “box in” the backyard of 1701 Harvard and would obstruct all view from the top-floor windows of that home. The fence visible in the photograph is six feet tall, so the proposed garage would tower nine feet over it and would match the overall height of the 1701 Harvard residence.



On a communitywide level, another detriment to the public good would be how the proposed garage would obstruct pedestrian sightlines between a public walkway alongside the 1701 Harvard lot (taking the place of a nonexistent block of 17th Street) to a public alleyway. Currently, the lack of any structure in this lot allows pedestrians a clear view of oncoming alley traffic from the west (see Figure 1). The construction of a garage on this lot without considerable side setback will greatly reduce the ability of pedestrians to see oncoming traffic and thus increases the chance of cars hitting pedestrians (see Figure 2).

In order to permit a variance, the BZA must find that “granting the request would not cause substantial detriment to the public good. This Commission believes that, due to the height of the proposed garage, on this very awkwardly situated lot, its construction would be a “detriment to the public good” of the adjacent neighboring properties (and especially the neighbors at 1701 Harvard).

FIGURE 1: Current unobstructed sightlines

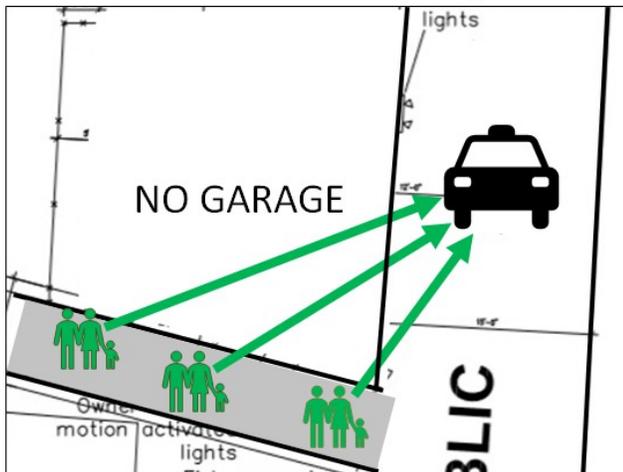
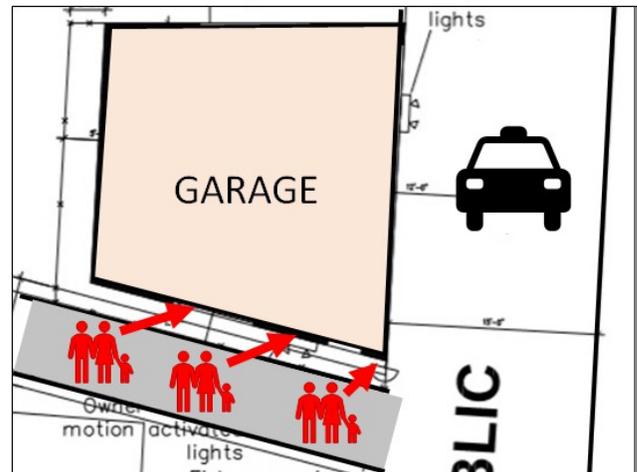


FIGURE 2: Proposed obstructed sightlines



Furthermore, the BZA must also find that “granting the request... would not be inconsistent with the general intent and purpose of the Zoning Regulations”. The Zoning Regulations for Mount Pleasant’s RF-1 district are explicitly intended to “Control the location of building bulk in relation to adjacent lots and streets, by regulating rear setbacks, side setbacks, and the relationship of

buildings to street lot lines” to avoid proximate obstructions as will occur if the BZA approves this application. Thus, the approval of this application would be inconsistent with that objective of controlling building bulk in relation to neighboring lots.